

# COMMUNICATION PROTOCOL

## REVISED

### DECEMBER 5, 2003

#### **Introduction**

The purpose of this document is to outline the communication procedures between agencies when a child or adolescent is placed out of his or her home community in a group home or therapeutic foster home. These communication procedures are based on Session Law 2002-164, Senate Bill 163, Section 4.5 (3), which reads as follows:

*Section 4.5. The Secretary of the Department of Health and Human Services may adopt rules applicable to local health and human service agencies for the purpose of program evaluation, fiscal audits, and collection of third-party payments. The Secretary may adopt and enforce rules governing:*

- (3) *The communication procedures between the area authority or county program, the local department of social services, the local education authority, and the criminal justice agency, if involved with the individual, regarding the placement of the individual outside the individual's community and the transfer of the individual's records in accordance with law.*

The Division of MH/DD/SAS has adopted rules describing the responsibility of the Area Authority/County Program. At this time, the other agencies involved (NCDSS, DJJDP, DPI) believe that disseminating the Communication Protocol is sufficient and the addition of rules is not necessary to accomplish the goal of this law.

The protocol in this document has been agreed upon by the agencies named in (3) above. After a brief section of definitions, this document describes Agency Specific Responsibilities that are currently in place and are related to the mandates in SB 163. This is not a comprehensive list and is not meant to cancel other mandates or expectations that an agency may have. The Agency Specific Responsibilities are simply reminders of other actions that are expected to occur, that are related to out of home placements.

The next part of this document describes the protocol for communication between agencies regarding out of home placements.

#### **Definitions**

**Home Community:** Sometimes called the "sending" community. This refers to the community in which the child/adolescent legally resides with his or her parent or legal guardian.

**Host Community:** Sometimes called the "receiving" community. This refers to the community to which the child/adolescent is being placed in a group home, therapeutic foster home, or family foster home.

**Placement out of the Home Community:** Refers to placement in a group home, therapeutic foster home, or family foster home outside of the Area Authority/County Program catchment area, and/or outside of the school district to which the child/adolescent was assigned.

**Service Planning Meeting:** The service planning meeting refers to the expectation in the rule quoted above that the legal guardian and other representatives involved in the care and treatment of the child or adolescent must meet to make service planning decisions prior to the placement of the child or adolescent out of the home community.

### **Agency Specific Responsibilities**

Following is a brief outline of responsibilities that are directly related to the expectations of SB 163.

#### **Area Authority/County Program**

1. The home Area Authority/County Program Director will notify in writing, the Area Authority/County Program Director of the host catchment area, of client movement, as per 10A NCAC 27G .0505.

#### **Local Education Agency**

1. Upon notification of a child's move by the LME, DSS, DPH, or DJJDP, the home school or preschool/child care setting will transfer records to the host school preschool/child care setting, including an IEP or IFSP, as well as any other pertinent programming information.
2. If a child is involved in the Exceptional Children's Program, the LEA Representative from the home school will contact the LEA Representative in the host school to share pertinent information.
3. The host LEA will send a copy of the Notification of Placement form to the appropriate DPI representative.

#### **DSS**

1. When DSS is the legal guardian, the DSS social worker will work with the licensed provider to ensure that the provider registers the child for school or developmentally appropriate preschool/child care setting.

#### **DJJDP**

1. The Chief Court Counselor in the home district will notify the Chief Court Counselor of the host district.
2. The assigned Court Counselor will continue to follow DJJDP policies and procedures for supervision of the juvenile, which includes coordination of communication and care.

## **DPH**

1. The regional CDSA in the home community will notify the host regional CDSA. CDSAs will coordinate with respective Local Interagency Coordinating Councils to assure smooth transition and care coordination for children ages Birth to five in out of home placement.
2. The assigned service coordinator will follow policies and procedures for facilitating care with all relevant entities, including coordination of communication, assessment, individualized family services and supports planning and care.

### **Communication Protocol**

Following you will find:

- (a) guidelines for determining who will be the lead agency in coordinating the service planning meeting and coordinating notification of out of home placement, and
- (b) a description of the notification process.

**Determination of Lead Agency** (for coordination of service planning meeting and notification of out of home placement):

1. **Area Authority/County Program is the lead agency when:**

- The Area Authority/County Program has responsibility for treatment decisions involving residential level of care, or
  - The Area Authority/County Program has legal custody of the child/adolescent (an extremely rare occurrence), or
  - The child/adolescent is residing in an ICF-MR in their catchment area,
- Then, the Area Authority/County Program will coordinate the service planning meeting and coordinate notification of placement out of the home community.

(Note: Child/adolescent may or may not be in DSS custody or have DJJDP involvement.)

2. **DSS is the lead agency when:**

- DSS is the legal guardian, and has responsibility for making non-treatment residential placement decisions

Then, the DSS social worker will coordinate the service planning meeting and coordinate notification of placement out of the home community.

(Note: Child/adolescent may have Area Authority/County Program or DJJDP involvement, but not at the level of residential treatment.)

3. **DJJDP is the lead agency when:**

- Child/adolescent is *not* in DSS custody, and
- DJJDP is responsible for making the placement as a result of disposition or diversion plan

Then, the court counselor will coordinate the service planning meeting and coordinate notification of placement out of the home community.

(Note: Child/adolescent may have Area Authority/County Program involvement, but not at the level of residential treatment)

## **Notification Process:**

The lead coordinating agency will ensure that the following occurs:

1. Obtain signed permission for release of information from parent or legal guardian.
2. Complete Notification of Placement form within 3 business days after the out of home placement occurs, via e-mail, fax or hard copy.<sup>1</sup> In case of emergency, notification may be made by telephone with written notification occurring the next day. The following shall be notified:
  - (a) Legal guardian
  - (b) Other representatives involved in the care and treatment of the child or adolescent
  - (c) Host community provider
  - (d) Host community representatives: may include the court counselor, county DSS, Regional Children's Developmental Services Agency (CDSA) or the LEA.
2. Work with the family/legal guardian to determine who will register the child for school or developmentally appropriate preschool/child care setting if child's age is between Birth up to 36 months.
3. The notification form as specified in 10A NCAC 27G .0506(d) can be found on the Division of MH/DD/SAS website: <http://www.dhhs.state.nc.us/mhddsas/sb163/index.htm>

## **Key**

<b>CDSA:</b>	Children's Developmental Services Agency
<b>DJJDP:</b>	Department of Juvenile Justice and Delinquency Prevention
<b>DPH:</b>	Division of Public Health
<b>DPI:</b>	Department of Public Instruction
<b>DSS:</b>	Department of Social Services (County)
<b>ICF:</b>	Intermediate Care Facility
<b>LEA:</b>	Local Education Agency
<b>LME:</b>	Local Management Entity
<b>IEP:</b>	Individualized Education Plan (for children 3-21 in exceptional children program)
<b>IFSP:</b>	Individualized Family Service Plan (for children up to age 3)
<b>NCDS:</b>	Division of Social Services (North Carolina)

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<sup>1</sup> E-mail communication: Before sending information by e-mail, it is the responsibility of the sender to ensure that both the sender and the receiver have HIPAA compliant software and procedures for safe-guarding confidential information sent electronically